

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EVANS ET AL,

No. C-11-01078 DMR

Plaintiffs,

**ORDER RE BRIEFING SCHEDULE ON  
PLAINTIFFS' CLASS CERTIFICATION  
MOTION**

v.

LINDEN RESEARCH, INC. ET AL,

Defendants.  

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On January 20, 2012, Plaintiffs filed a motion for class certification [Docket No. 76] in accordance with a stipulated briefing schedule on the motion. [Docket No. 71.] The parties' stipulated briefing schedule provides that Defendants' opposition to the class certification motion is due on February 21, 2012 and Plaintiffs' reply is due on March 6, 2012. The court set a hearing on the motion, as well as a further Case Management Conference, on April 11, 2012 at 1:30 p.m. However, Plaintiffs have also filed motions for an extension of time to complete class certification discovery and for leave to file a second amended complaint [Docket Nos. 74, 75], which are scheduled for hearing on February 23, 2012, after the deadline for Defendants to file their opposition to the class certification motion. Defendants now argue that should Plaintiffs prevail on the motions scheduled for hearing on February 23, 2012, they will be prejudiced as Plaintiffs will have the tactical advantage of having already seen Defendants' arguments in opposition to class certification.

1 In order to prevent any such prejudice, the court hereby suspends the February 21, 2012  
2 deadline for Defendants to file their opposition to Plaintiffs' class certification motion. The court  
3 will revisit the briefing schedule on the motion at the February 23, 2012 hearing.

4  
5 IT IS SO ORDERED.

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7 Dated: February 9, 2012

